

SENATE JOURNAL

SEVENTY-FIRST LEGISLATURE — FIFTH CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Wednesday, May 2, 1990)

In obedience to the Proclamation of the Honorable William P. Clements, Jr., Governor of the State of Texas, the Senate met in the Senate Chamber of the State Capitol at Austin, Texas, on the 2nd day of May, 1990, at 2:00 p.m. and was called to order by the Honorable William P. Hobby, Lieutenant Governor and President of the Senate.

The President directed the Secretary of the Senate to call the roll of the Senate.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Ellis, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Zaffirini.

Absent-excused: Brown, Glasgow, Lyon, Santiesteban, Whitmire.

The President announced a quorum of the Senate present.

The Senate Doorkeeper, Jim Morris, offered the invocation as follows:

Heavenly Father, we stand silent now to pray and to offer our thanks for these who assemble again to seek, to probe and pursue. We are grateful for the gifts we share, for the needs of which we are aware and the concern that is shared by these of the Senate. Give to each one strength and expectation for today and hope for tomorrow as they work toward building a quality system of education.

In our Lord's name we pray. Amen.

LEAVES OF ABSENCE

Senators Brown, Glasgow, Lyon, Santiesteban and Whitmire were granted leave of absence for today on account of important business on motion of Senator Brooks.

PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS 41-2375

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article IV, Section 8 of the Texas Constitution, I, William P. Clements, Jr., Governor of Texas, do hereby call a special session of the

71st Legislature, to be convened in the City of Austin commencing at 2:00 p.m., the 2nd day of May, 1990, for the following purposes:

To consider legislation to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 1st day of May, 1990.

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

/s/George S. Bayoud, Jr.
George S. Bayoud, Jr.
Secretary of State

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 1 by Brown Health and Human Services
Directing the Texas Water Commission in conjunction with the 1990 Joint Task Force on Waste Management Policy to enter into a compact with the states of Oklahoma, New Mexico, Louisiana and Arkansas in developing adequate and environmentally sound storage, treatment and disposal facilities.

S.J.R. 1 by Haley Education
Proposing a constitutional amendment providing for the issuance of general obligation bonds for assisting school districts in acquiring, building and renovating school facilities.

S.J.R. 2 by Uribe State Affairs
Proposing a constitutional amendment relating to the establishment of a state lottery, the revenues of which may be used only for public education.

S.J.R. 3 by Uribe State Affairs
Proposing a constitutional amendment relating to the establishment of a state lottery, the revenues of which may be used only for public purposes.

S.B. 1 by Parker, Caperton, Hobby Education
Relating to public education; making appropriations.

S.B. 2 by Haley Education
Relating to the computation and distribution of state educational aid to school districts, to the use of certain bond proceeds for assisting school districts in the acquisition, construction, renovation, and improvement of instructional facilities, making an appropriation, and declaring an emergency.

S.B. 3 by Dickson Health and Human Services
Relating to the board of directors of the Nolan County Hospital District.

S.B. 4 by Brooks, Dickson, Edwards Health and Human Services
Relating to the basis of fees, charges, and rates for medical assistance provided by certain hospitals serving as primary teaching hospitals for certain institutions of higher education.

- S.B. 5** by Dickson, Edwards, Glasgow, Finance
McFarland, Montford, Ratliff
Relating to an emergency appropriation to the institutional division of the Texas Department of Criminal Justice for projects related to corrections institutions and the use of previously appropriated funds for those projects.
- S.B. 6** by Dickson Administration
Relating to the dissolution of the Concho County Water Control and Improvement District No. 1.
- S.B. 7** by Dickson, Edwards, Barrientos, Ratliff Education
Relating to funding of school districts with declining attendance due to the closing or reduction in troops of military bases.
- S.B. 8** by Dickson Education
Relating to courses offered by branch campuses of junior colleges located in certain counties.
- S.B. 9** by Uribe Education
Relating to public school taxes and finance.
- S.B. 10** by Ratliff Finance
Relating to allocation of funds by the Texas Water Development Board for the Sulphur River Basin Authority.
- S.B. 11** by Brooks Administration
Relating to the promotion, regulation, and coordination of aquaculture and the fish farming industry; making appropriations.
- S.B. 12** by Brooks Administration
Relating to a commercial fisheries marketing council in the Department of Agriculture.
- S.B. 13** by Brown Criminal Justice
Relating to drug-free zones and to the imposition of penalties for the delivery, manufacture, or possession with the intent to deliver or manufacture a controlled substance in drug-free zones.
- S.B. 14** by Brown Criminal Justice
Relating to the murder of an individual under six years of age.
- S.B. 15** by Brown Criminal Justice
Relating to the issuance of a driver's license to certain persons convicted of misdemeanor offenses under the Texas Controlled Substances Act.
- S.B. 16** by Brown Criminal Justice
Relating to the summary forfeiture of controlled substances, raw materials, and drug paraphernalia.
- S.B. 17** by Brown, Brooks Administration
Relating to the powers of the Gulf Coast Waste Disposal Authority.
- S.B. 18** by Brown Administration
Relating to the annexation of land to and the exclusion of land from the Brazosport Water Authority.
- S.B. 19** by Brown State Affairs
Relating to representation of the state by the attorney general.

S.B. 20 by Brown Health and Human Services
Relating to the amount of a civil penalty that may be assessed by the Texas Water Commission against a person for violating the Solid Waste Disposal Act (Chapter 361, Health and Safety Code).

CO-AUTHOR OF SENATE BILL 7

On motion of Senator Dickson and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 7**.

SENATE RESOLUTION 1
(Caucus Report)

Senator Brooks offered the following resolution:

Honorable William P. Hobby
President of the Senate
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 23 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The following officers were elected to serve for the 71st Legislature, 5th Called Session, at the will of the Senate:

Secretary of the Senate - Betty King
Sergeant-at-Arms - Carleton Turner
Doorkeeper - James Morris
Calendar Clerk - Kay Hughes
Enrolling Clerk - Patsy Spaw
Journal Clerk - Margrette Vollers

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 71st Legislature, 5th Called Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The Parliamentarian, Steve Dial, is to be named by the Lieutenant Governor.

It is further recommended that the Administration Committee appoint a sufficient number of custodians, messengers, elevator operators, porters, and other employees as may be necessary. The Lieutenant Governor is authorized to designate any Member of the Senate or Senate staff to attend official meetings of national governmental organizations during the 71st Legislature, 5th Called Session, while in session. Actual and necessary expenses are hereby authorized as reimbursement for such trips.

It is further recommended that each Senator shall be permitted a maximum payroll of \$16,500 per month for secretarial and other office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. All Senate employees must use compensatory/overtime within 18 months of the month in which the time was accrued. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination.

The Lieutenant Governor, Senators, and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator, and the Secretary of the Senate be permitted to subscribe for newspapers as necessary to be paid out of the contingent fund and be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 700 journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 journals shall be furnished the members of the House.

It is further recommended that the Legislative Reference Library be furnished 60 copies of the daily journal.

It is further recommended that all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the 71st Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for the payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate.

It is further recommended that no employee of the Senate shall, during the time employed by the Senate, furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and the employee shall not without permission receive any compensation from any person, firm, or corporation during employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, Members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at 8 a.m. and 1:00 p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the chairman of each standing committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of said standing committee, subject to the approval of the Administration Committee.

It is further recommended that no employee of the Senate, except one whose official duties require the employee to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which the employee shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of 30 minutes prior to the time the Senate convenes and 30 minutes after the Senate adjourns. The Sergeant-at-Arms

is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such 30-minute periods.

Respectfully submitted,

/s/Chet Brooks

Chairman of the Caucus

/s/O. H. Harris

Secretary of the Caucus

The resolution was read and was adopted viva voce vote.

SENATE NOTIFIED

A Committee from the House of Representatives appeared at the Bar of the Senate and Representative Finnell for the Committee notified the President and Members of the Senate that the House was organized and ready to transact business.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Education might consider S.B. 1 and other proposals relating to public education at 3:00 p.m. today.

MEMORIAL RESOLUTION

S.R. 2 - By Parker: In memory of Reece Lin Coker.

RECESS

On motion of Senator Brooks, the Senate at 2:18 p.m. took recess until 11:00 a.m. tomorrow.

FIRST DAY

(Continued)

(Thursday, May 3, 1990)

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Glasgow, who had previously been recorded as "Absent-excused," was announced "Present."

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 2 by Montford

Jurisprudence

Granting Stella Maurine Pounds Selman, Diane Lee Pounds Gossett, Patricia Conover, Gene Hickson and wife, Carol Hickson, Jerry D. Holmes and wife, Joan Holmes, Ronald S. Lewis and wife, Cindy Rodgers Lewis, and Charlie Therwhanger, and wife, Debbie Therwhanger, permission to sue the State of Texas and the Veterans' Land Board.